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MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of :
Hasse :
Application No. 10/790,316 : DECISION ON RENEWED
Filed: March 1, 2004 : PETITION PURSUANT TO
Attorney Docket No.: CV-49 : 37 C.F.R. § 1.181(A)
Title: WATER COMBUSTION :
TECHNOLOGY - METHODS, :
PROCESSES, SYSTEMS AND :
APPARATUS FOR THE COMBUSTION OF :
HYDROGEN AND OXYGEN :
:

This is a decision on the renewed petition filed January 12, 2012, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

Receipt of the concurrently submitted amendment to the specification is acknowledged.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed July 22, 2011, which set a non-extendable period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were available. Accordingly, the above-identified application became abandoned on September 23, 2011. A notice of abandonment was mailed on October 7, 2011.

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed December 20, 2011, where Petitioner stated that the notice of July 22, 2011 was not received at the correspondence address

of record¹ that a search of the "files" indicates that the Office communication was not received,² and that he does not "keep a Master Docket."³ Petitioner further included a copy of the docket record that is associated with this particular application. The original petition pursuant to 37 C.F.R. § 1.181(a) was dismissed via the mailing of a decision on January 3, 2012.

With this renewed petition pursuant to 37 C.F.R. § 1.181(a), Petitioner has provided a statement describing the system used for recording an Office communication received at the correspondence address of record with the USPTO, such that it has been established that the docketing system is sufficiently reliable.⁴

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the Notice to File Corrected Application Papers of July 22, 2011 was not received, pursuant to MPEP § 711.03(c).

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

¹ Declaration of facts submitted with the original petition pursuant to 37 C.F.R. § 1.181(a), paragraph 4.

² Id. at 5.

³ Id. at 7.

⁴ Declaration of facts submitted with the renewed petition pursuant to 37 C.F.R. § 1.181(a), paragraph 6.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.⁵



Paul Shanoski
Senior Attorney
Office of Petitions

⁵ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.